IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 6380 of 2006(H)

PETITIONER:

C.S.CHITRA, D/O.SADASIVAN NADAR,
T.C.NO.66/1978, KAILAS, KOLIYOOR,
MUTTAKKAD P.O., (VIA) VENGANOOR,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.SHRIHARI
SMT.P.VANI

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM.

3. THE DIRECTOR, DIRECTORATE,
MEDICAL EDUCATION DEPARTMENT, MEDICAL COLLEGE P.O.
THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 6380/2006 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITIONER'S CASTE CERTIFICATE.

EXT.P2. COPY OF THE LABORATORY TECHNICIAN GRADE II SHORT LIST PUBLISHED BY R2 ON WRITTEN TEST DT. 4/6/05.

EXT.P3. COPY OF THE G.R. 1A(3) 19927/04/G.V. DT.13/2/06.

True copy

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K. BALAKRISHNAN NAIR, J.

W.P.(C) No. 6380 of 2006-H

JUDGMENT

The petitioner is a candidate, who applied for the post of Laboratory Technician Grade II in the Medical Education Department, when applications were invited for the same by the Public Service Commission. Initially, the petitioner was included in the short list published for the said post. She was included in the supplementary list of SIUC Nadar/AI. Later, on further scrutiny of her application, it was found that she belongs to Hindu Nadar, which is one of the castes included in the OBC group. Therefore, her name was deleted from the supplementary list of SIUC Nadar/AI. Since she did not get sufficient marks for inclusion in the OBC list from among Hindu Nadar community, she was not included in it. So, she was removed from the short list, by Ext.P3 communication of the P.S.C. This writ petition is filed, challenging inter alia Ext.P3 and seeking consequential reliefs.

2. The 1st respondent has filed a counter affidavit, resisting the prayers in the writ petition.

3. I heard the learned counsel for the P.S.C also. The main grievance raised in the writ petition is against the non-inclusion of any one from the Hindu Nadar community in the short list. The petitioner was also not included in that list. Going by Ext.P3, it is evident that she did have the necessary marks for inclusion in the OBC list from among the Hindu Nadars. The said statement contained in Ext.P3 is not disputed or challenged in the writ petition. The members of the Hindu Nadar community are entitled to get reservation. But that does not mean that the petitioner should be included in the short list, unless she has the necessary merit, going by the marks of the written test. So, no relief could be granted to the petitioner and the writ petition is accordingly dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

25th July, 2007.
nm.